MSS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO. 1156 OF 2007

**IN**

SUIT NO. 608 OF 1981

SHAH BABULAL KHIMJI .. PLAINTIFF

Vs.

RAMESHCHANDRA ACHYUT AJGAONKAR .. DEFENDANT

Mr. Sanjay Jain with Ms. Preeti i/b P. K. Shroff & Co. for plaintiffs
Mr. A. V. Bajaj with Mr. R.S. Raymond i/b. M/s. Raymond & Co. for defendant

**CORAM**: **SMT. RANJANA DESAI, J.**

**DATE**: SEPTEMBER 07, 2007.

**P.C.**

. This Chamber Summons is taken out by the plaintiff praying that the plaintiff be allowed and permitted to amend the plaint and proceedings in the suit as per the Schedule of Amendment annexed to the chamber summons.

. Heard learned counsel for the parties.

. The learned counsel for the defendant states that if the plaintiff is permitted to amend the plaint, the defendant be allowed to file additional

written statement and frame additional issues, if required and the amendment be made subject to the rights accrued to the defendant. He states that if this protection is granted to the defendant, the defendant has no objection, if this court allows the plaintiffs to carry out the amendment as prayed. In the circumstances, I pass the following order:

. "Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out within two weeks from today.

. The defendant, if necessary may file additional written statement restricted to the amendment and request the court for framing of additional issues in respect of the contentions raised by way of amendment. Needless to say that the court will pass appropriate orders if such a request is made. The amendment would obviously be subject to the rights which may have accrued to the defendant.

. The learned counsel for the plaintiff states that in case additional court fees are required to be paid, the plaintiff will pay them. This statement is accepted.

. Chamber Summons is disposed of".

JUDGE.